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राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 8 मई, 1976/18 वैशाख, 1898

GOVERNMENT OF HIMACHAL PRADESH

LAW DEPARTMENT

NOTIFICATION

Simla-171002, the 7th May, 1976

No. LLR-D-(6)11/76.—The Himachal Pradesh Land Revenue (Amendment and Extension) Bill, 1976 (Bill No. 22 of 1976) after having received the assent of the Governor, Himachal Pradesh, on the

30th April, 1976, under Article 200 of the Constitution of India, is hereby published in the Rajpatra, Himachal Pradesh as Act No. 21 of 1976.

M. C. PADAM,
Under Secretary (Judicial).

Act No. 21 of 1976.

THE HIMACHAL PRADESH LAND REVENUE (AMENDMENT AND EXTENSION) ACT, 1976

AN

ACT

to amend the Himachal Pradesh Land Revenue Act, 1953 (Act No. 6 of 1954), as in force in the territory comprised in Himachal Pradesh immediately before 1st November, 1966 and to extend the said Act so amended to the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (Act No. 31 of 1966).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Land Revenue (Amendment and Extension) Act, 1976.

Short title and commencement.

(2) It shall come into force at once.

6 of 1954

2. In section 4 of the Himachal Pradesh Land Revenue Act, 1953 (hereinafter referred to as the principal Act),—

Amendment of section 4.

(a) in clause (11), the words and year “and the Advocate Act, 1961” shall be added at the end;

(b) after clause (12), the following clause shall be inserted, namely:—

“(12A) “net letting value” of a site put to non-agricultural use means the estimated annual rent of the site remaining after deduction of—

(i) fair remuneration for the capital invested on building or machinery or both after deducting the depreciation on their value;

(ii) house-tax, property-tax; and

(iii) maintenance charges, not exceeding one month's gross rent, as ascertained or estimated in the manner prescribed.

Explanation.—Where no reliable data regarding the cost of buildings and machinery on a site is forthcoming or is otherwise not available, valuation and depreciation shall be based on the standards of the Public Works Department of Himachal Pradesh.”; and

(c) in clause (15), for the words “the Himachal Pradesh Panchayat Raj Act” the words and year “the Himachal Pradesh Panchayati Raj Act, 1968” shall be substituted.

of 1970

3. For sub-section (2) of section 5 and for explanation occurring at the end of that section of the principal Act, the following sub-section and explanation shall be substituted, namely:—

Amendment of section 5.

“(2) A Revenue Officer may define, for the purposes of this Act, the limits of the site of a village.

Explanation.—For the purpose of this section, a site within the limits of a Municipal Corporation, Municipal Committee or Notified Area Committee shall not be deemed to be the site of a village.”.

- Amendment of section 6. 4. In section 6 and in its heading of the principal Act, the word and comma "sub-tehsils," shall be inserted after the word "tehsils".
- Amendment of section 7. 5. In sub-section (1) of section 7 of the principal Act,—
 (a) after clause (a) the following clause shall be inserted, namely:—
 "(b) the Commissioner;" ;
 (b) the existing clauses "(b), (c) and (d)" shall be relettered as clauses "(c), (d) and (e)" respectively; and
 (c) the proviso shall be omitted.
- Amendment of sections 14, 94, 95, 96 and 97. 6. In sections 14, 94, 95, 96 and 97 of the principal Act, the words "or the Financial Commissioner, if there is no Commissioner" wherever they occur shall be omitted.
- Amendment of section 21. 7. In sub-section (1) of section 21 of the principal Act, the words "or (c) an adult male member of his family usually residing with him" shall be omitted.
- Amendment of section 30. 8. In sub-section (1) of section 30 of the principal Act, for the words "half an anna" the words "five paise" shall be substituted.
- Amendment of section 32. 9. In sub-clause (i) of clause (a) of sub-section (2) of section 32 of the principal Act, after the words "land revenue" the words "in the estate or who" shall be inserted.
- Amendment of section 34. 10. In section 34 of the principal Act,—
 (a) in the heading and in sub-section (3) for the word "annual" the word "periodical" shall be substituted;
 (b) in sub-section (2) the words "be called the annual record for the estate, and shall" shall be deleted ; and
 (c) in sub-section (3) the words "under this section" shall be inserted in between the word "record" and ",".
- Amendment of sections 35, 36, 38, 45, 46, 48 and 171. 11. (1) In sub-heading of Chapter IV and sections 35, 36, 38, 45, 46, 48 and 171 and in the headings of sections 35, 36, 45 and 48 of the principal Act, for the word "annual" and the words "an annual", wherever they occur, the word "periodical" and the words "a periodical" respectively, shall be substituted, and in sub-section (1) of section 35 and in its heading the word "etc." shall be inserted after the word "land-owners".
 (2) In section 46 of the principal Act, for the words and figures, "Chapter VI of the Specific Relief Act, 1877" the words and figures, "Chapter VI of the Specific Relief Act, 1963" shall be substituted.
- Amendment of section 37. 12. In sub-section (2) of section 37 of the principal Act, for the words, figures and brackets, "the Himachal Pradesh Panchayat Raj Act, 1952 (Act No. VI of 1953)" the words and figures, "the Himachal Pradesh Panchayati Raj Act, 1968" shall be substituted.
- Amendment of section 42. 13. In section 42 of the principal Act, the words "for the purposes of the State and the State Government, shall have all powers necessary, for the proper enjoyment of the Government's rights thereto" shall be added at the end.

14. In the proviso to section 45 of the principal Act, after the words, “entry made” the words, “in the areas comprised in Himachal Pradesh immediately before 1st November, 1966” shall be inserted. Amendment of section 45.

15. At the end of sub-section (1) of section 49 of the principal Act, the following explanation shall be added, namely:— Amendment of section 49.

“*Explanation.*—For the purpose of this sub-section the expression “village site” shall have the same meaning as is assigned to the expression “site of village” in section 5.”.

16. For sections 50 and 51 of the principal Act, the following sections shall be substituted, namely:— Substitution of sections 50 and 51.

“50. *Basis of assessment.*—The assessment of land-revenue shall be based on an estimate of—

(a) the average money value of the net assets of the estate or group of estates in which the land concerned is situated; or

(b) in the case of special assessment of land put to non-agricultural use in an assessment circle or part thereof,—

(i) the average net letting value of a category and class of sites, or

(ii) where for any reason it is not possible to ascertain the net letting value, the average market value of sites as determined in the manner prescribed:

Provided that when a special assessment is made under section 63, notwithstanding the period fixed for the continuance of an assessment or the limit provided in section 51 or the area having been declared to be an urban assessment circle, the land revenue may be assessed as a fixed annual charge payable in a lump sum or by instalments in accordance with the rules made under this Act.

51. *Limit of assessment.*—If the land-revenue is assessed as a fixed annual charge the amount thereof, and, if it is assessed in the form of prescribed rate, the average amount which, according to an estimate in writing approved by the State Government will be leviable annually, shall not, in the case of any assessment circle, exceed one-fourth of the estimated money value of the net assets of such assessment circle or in the case of special assessment on a category and class of sites of land put to non-agricultural use in an assessment circle or part thereof—

(a) exceed one-fourth of the estimated average net letting value; or

(b) exceed two to four per cent of the average market value; or

(c) in the case of sites lying vacant and out of use, exceed one per cent of the average market value:

Provided that nothing contained in this section shall affect any assessment in force at the time of the commencement of this Act.”.

17. In section 54 of the principal Act,—

(a) in sub-section (3) for the word “one-fourth” the word “one-third” and for the word “two-thirds” the word “three-fourth” shall be substituted;

Amendment of section 54.

- (b) in sub-section (4) after the word "land-revenue" occurring for the first time, the words "or which is under fruit bearing orchards or under tea plantation" shall be inserted; and
- (c) for proviso to sub-section (4), the following proviso shall be substituted, namely:—

"Provided that all areas shall be declared to be urban assessment circles within the limits of a municipal corporation, municipal committee, or notified area committee constituted by the Government under the law in force and the State Government may by notification declare any other suitable area to be an urban assessment circle."

Amendment
of section 62.

18. In section 62 of the principal Act, for the "colon" occurring at the end, the "full stop" shall be substituted and the proviso thereto shall be deleted.

Amendment
of section 63.

19. In sub-section (1) of section 63 of the principal Act, after clause (e), the following clauses shall be added, namely:—

"(f) when assessment of land-revenue requires revision in consequence of the land being put to a use different from that for which an assessment is in force; and

(g) when the land has been put to use for non-agricultural purposes such as brick-kilns, factories, cinemas, shops, hotels, houses, landing grounds and other similar purposes, whether or not already assessed to land-revenue:

Provided that in case of clauses (f) and (g) any use of land for purposes of an orchard or for pasture or the use of houses on such land occupied for agricultural purposes or for purposes subservient to agriculture or small-scale cottage industries or for any public, charitable or religious purposes shall not be considered as a use different from that for which an assessment is in force or for non-agricultural purposes:

Provided further that in case of clauses (f) and (g) residential houses, in occupation of the owners, with an annual rental value not exceeding eight hundred rupees shall not be liable to special assessment."

Amendment
of section 74.

20. In section 74 of the principal Act,—

(a) after clause (a) the following clause shall be added, namely:—

"(b) by arrest and detention of his person;" ; and

(b) the existing clauses (b), (c), (d), (e), (f) and (g) shall be relettered as clauses (c), (d), (e), (f), (g) and (h) respectively.

Insertion of
new sec-
tion 75-A.

21. After section 75 of the principal Act, the following section shall be inserted, namely:—

"75-A. *Arrest and detention of defaulter.*—(1) At any time after an arrear of land-revenue has accrued a Revenue-officer may issue a warrant directing an officer named therein to arrest the defaulter and bring him before the Revenue-officer.

(2) When the defaulter is brought before the Revenue-officer, the Revenue-officer may cause him to be taken before the Collector, or may keep him under personal restraint or in the revenue lock up for a period not exceeding ten days and then, if the arrear is still unpaid, cause him to be taken before the Collector.

(3) When the defaulter is brought before the Collector, the Collector may issue an order to the officer-in-charge of the civil jail of the district, directing him to confine the defaulter in the jail for such period, not exceeding one month from the date of the order, as the Collector thinks fit.

(4) The process of arrest and detention shall not be executed against a defaulter who is a female, a minor, a lunatic or an idiot."

22. In sub-section (2) of section 76 of the principal Act, for the words "Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953" the words "law for the time being in force" shall be substituted.

Amendment of section 76.

23. In section 78 of the principal Act,—

Amendment of section 78.

(a) in sub-section (1) after the words "under his own management" the words "or that of an agent appointed by him for that purpose" shall be inserted; and

(b) in sub-section (2) after the word "Collector" occurring for the first time, the words "or the agent" shall be inserted.

24. For the words "Financial Commissioner" wherever they occur in sections 81 and 83 and for the first time in sub-section (1) of section 85 of the principal Act, the word "Commissioner" shall be substituted.

Amendment of sections 81, 83 & 85.

25. In the principal Act,—

Amendment of sections 103, 166 & 167.

(i) in clause (c) of section 103 for the words, "The Himachal Pradesh Panchayat Raj Act", the words and year, "The Himachal Pradesh Panchayati Raj Act, 1968" shall be substituted;

(ii) in section 166, for the words and year, "The Indian Limitation Act, 1908", the words and year, "The Limitation Act, 1963", shall be substituted; and

(iii) in sub-section (2) of section 167, for the words and year, "Indian Companies Act, 1913", the words and year, "Indian Companies Act, 1956", shall be substituted.

26. In clause (a) of sub-section (2) of section 129 of the principal Act, for the words and figures, "Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953" the words, "law for the time being in force" shall be substituted and in clauses (d) and (e) of that sub-section for the words, "Judicial Commissioner's Court" wherever they occur, the words, "High Court" shall be substituted.

Amendment of section 129.

27. In section 153 of the principal Act, for the words, "Judicial Commissioner" the words, "High Court" shall be substituted.

Amendment of section 153.

5 of 1954

of 1953
of 1970

of 1908
5 of 1963

of 1913
of 1956

of 1954

Amendment
of the
schedule.

28. In the Schedule to the principal Act,—

(i) after the existing entry in column No. (2) of item No. (1), the “.” shall be substituted with “,” and the following words shall be added :—

“and as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.”;

(ii) after item No. (2), the following item shall be added, namely :—

“(3) Act I of 1899 The Punjab Riverain Boundaries Act, 1899 as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.”.

Extension

29. The principal Act as amended by this Act and all rules and orders made and all notifications, directions or instructions issued which are in force immediately before the commencement of this Act in the territory to which the said Act applies are hereby extended to and shall be in force in the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.

Repeal and
savings.

30. Notwithstanding anything contained in sections 2 and 3 of the principal Act, the enactments added to the Schedule to the principal Act, under section 28 of this Act as applicable to the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 and all rules and orders made, and all notifications, directions or instructions issued thereunder, shall, upon the commencement of this Act, save as otherwise expressly provided in this Act, stand repealed :

Provided that such repeal shall not affect—

- (a) the previous operation of the Acts so repealed or anything duly done or suffered thereunder, or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the Acts so repealed, or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Acts so repealed, or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed :

Provided further that anything done or any action taken under the Acts so repealed shall be deemed to have been done or taken under the Act extended by section 29 and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the Act so extended.

Power to
remove di-
fficulties.

31. If any difficulty arises in giving effect to the provisions of the Act, rules, or orders or instructions or directions now extended by section 29 to the territory in which they were not in force before the commencement of this Act, the State Government may, by order notified in the Official Gazette, make such provisions or give such directions, as appear it to be necessary or expedient for the removal of the difficulty.